

AMENDED IN SENATE MARCH 22, 2010

**SENATE BILL**

**No. 1066**

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**Introduced by Senator Oropeza**

February 17, 2010

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An act to amend Section 6126 of, *and to add Section 5040 to*, the Penal Code, relating to corrections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1066, as amended, Oropeza. Corrections: Inspector General.

Existing law establishes the office of the Inspector General, and charges the Inspector General with various duties and responsibilities. *Existing law establishes the Department of Corrections and Rehabilitation, and charges it with various duties and responsibilities.*

This bill would require the Inspector General to oversee, and *the Department of Corrections and Rehabilitation to conduct*, periodic and random searches ~~for cell phones~~ of all employees *and vendors* entering all of the state prisons under the jurisdiction of the ~~Department of Corrections and Rehabilitation~~ *department for contraband*, and to report to the Legislature quarterly regarding those searches, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     **SECTION 1.** *Section 5040 is added to the Penal Code, to read:*
- 2     **5040.** *(a) The Department of Corrections and Rehabilitation*
- 3     *shall oversee and conduct periodic and random searches of all*
- 4     *employees and vendors entering all of the state prisons under the*
- 5     *jurisdiction of the department for contraband. These searches shall*

1 include random searches of all property, personal or otherwise,  
2 brought into the prison by those individuals.

3 (b) The department shall, in consultation with the Inspector  
4 General, provide a written report to the Legislature quarterly  
5 detailing the following:

6 (1) The names of the prisons where the searches took place.

7 (2) The dates of the searches.

8 (3) The shifts during which the searches took place.

9 (4) The number of employees searched.

10 (5) The number of employees scheduled to work on those shifts.

11 (6) The number of vendors searched.

12 (7) The number of vendors scheduled to arrive during those  
13 shifts.

14 (8) The number of cell phones discovered.

15 (9) The number of items of portable computer equipment found,  
16 including, but not limited to, iPods, MP3 players, DVD players,  
17 CD players, CDs, and portable video game players.

18 (10) Tobacco products found, including lighters and matches.

19 (11) Illegal substances found, broken out by type of substance.

20 (2) The report shall also contain a general comment section for  
21 use by the Inspector General and the department to discuss the  
22 issues they find relevant to the searches and shall include a section  
23 detailing the actions taken as a result of the discovery of  
24 contraband possessed by an employee or vendor and the results  
25 of any disciplinary process resulting from the discovery of  
26 contraband.

27 (c) The report to be submitted pursuant to subdivision (b) shall  
28 be submitted in compliance with Section 9795 of the Government  
29 Code.

30 **SECTION 1.**

31 **SEC. 2.** Section 6126 of the Penal Code is amended to read:

32 6126. (a) (1) The Inspector General shall review departmental  
33 policy and procedures, conduct audits of investigatory practices  
34 and other audits, be responsible for contemporaneous oversight of  
35 internal affairs investigations and the disciplinary process, and  
36 conduct investigations of the Department of Corrections and  
37 Rehabilitation, as requested by either the Secretary of the  
38 Department of Corrections and Rehabilitation or a Member of the  
39 Legislature, pursuant to the approval of the Inspector General  
40 under policies to be developed by the Inspector General. The

Inspector General may, under policies developed by the Inspector General, initiate an investigation or an audit on his or her own accord.

(2) The Inspector General shall audit each warden of an institution one year after his or her appointment, and shall audit each correctional institution at least once every four years. Each audit of a warden shall include, but not be limited to, issues relating to personnel, training, investigations, and financial matters. Each four-year audit shall include an assessment of the maintenance of the facility managed by the warden. The audit report shall include all significant findings of the Inspector General's assessment of facility maintenance. These audit reports shall be provided to the Legislature and shall be made public. The requirements of this paragraph shall be phased in by the Inspector General so that they are fully met by July 1, 2009.

~~(3) (A) The Inspector General shall oversee and conduct periodic and random searches for cell phones of all employees entering all of the state prisons under the jurisdiction of the Department of Corrections and Rehabilitation.~~

~~(B) The Inspector General shall, in consultation with the Department of Corrections and Rehabilitation, provide a written report to the Legislature quarterly, detailing the following:~~

~~(i) The names of the prisons where the searches took place.~~

~~(ii) The dates of the searches.~~

~~(iii) The shifts during which the searches took place.~~

~~(iv) The number of employees searched.~~

~~(v) The number of employees scheduled to work on those shifts.~~

~~(vi) The number of cell phones discovered.~~

~~(vii) Any other contraband that was discovered.~~

~~The report shall also contain a general comment section for use by the Inspector General and the Department of Corrections and Rehabilitation to discuss the issues they find relevant to the searches.~~

*(3) The Inspector General shall oversee the searches for contraband conducted by the department pursuant to Section 5040 and shall ensure the integrity of the process and of the searches, and the accuracy of the reports submitted pursuant to Section 5040.*

(b) Upon completion of an investigation or audit, the Inspector General shall provide a response to the requester.

1 (c) The Inspector General shall, during the course of an  
2 investigatory audit, identify areas of full and partial compliance,  
3 or noncompliance, with departmental investigatory policies and  
4 procedures, specify deficiencies in the completion and  
5 documentation of investigatory processes, and recommend  
6 corrective actions, including, but not limited to, additional training  
7 with respect to investigative policies, additional policies, or changes  
8 in policy, as well as any other findings or recommendations that  
9 the Inspector General deems appropriate.

10 (d) The Inspector General, pursuant to Section 6126.6, shall  
11 review the Governor's candidates for appointment to serve as  
12 warden for the state's adult correctional institutions and as  
13 superintendents for the state's juvenile facilities.

14 (e) The Inspector General shall, in consultation with the  
15 Department of Finance, develop a methodology for producing a  
16 workload budget to be used for annually adjusting the budget of  
17 the Office of the Inspector General, beginning with the budget for  
18 the 2005–06 fiscal year.